IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 3RD APRIL 2007 / 13TH CHAITHRA 1930

WP(C).No. 10148 of 2007(G)

PETITIONER:

THE PATTANAKKAD GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY,
PATTANAKKAD P.O., CHERTHALA.

BY ADV. SRI.J.OM PRAKASH

RESPONDENTS:

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1. DAYANANDA BABU, SANTHAVILASAM,
PATTANAKKAD P.O., CHERTHALA.

2. THE SUB INSPECTOR OF POLICE,
PATTANAKKAD P.O., CHERTHALA.

3. THE TALUK SURVEYOR, TALUK OFFICE,
CHERTHALA.

4. THE ASSISTANT EXECUTIVE ENGINEER,
N.H.47, ALAPPUZHA.

BY ADV. SRI.S.SANTHOSH KUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No.10148 of 2007 G

Dated this the 3rd day of April, 2007.

JUDGMENT

Heard Sri.Omprakash, counsel for the petitioner, Sri.Santhosh Kumar for the first respondent and the learned Government Pleader also on behalf of the official respondents.

2. On considering the writ petition for admission, I passed an interim order directing the first respondent to maintain the status quo as on that day as regards the building and the 2nd respondent to ensure that the first respondent does not continue with the construction work.

3. It is seen from Ext.P11 that it has been issued pursuant to the direction contained in W.P.(C)No.8086/07. In answer to Ext.P11, the first respondent raised objections and submitted Ext.P7 reply, in which, he inter alia contended that, he is having properties outside his eastern compound

wall also. If what he says is correct, perhaps, the construction will not offend Section 220(b) of the Kerala Panchayat Raj Act. But, as rightly submitted by Sri.Omprakash, the issue can be resolved only by a measurement by the 3rd respondent Taluk Surveyor.

4. In such circumstances, I direct the 3rd respondent Taluk Surveyor to conduct a measurement of the first respondent's properties covered by his title deed with notice to the petitioner panchayat and also to the 4th respondent Assistant Executive Engineer, N.H.47, Alappuzha. The necessary charges for the conduct of measurement will be remitted by the first respondent within two weeks of receipt of a copy of this judgment. The 3rd respondent will conduct the measurement at the earliest, at any rate, within one month of remittance of the charges

by the first respondent. Once the measurement is over, the 3rd respondent will furnish copies of the measurement to the petitioner panchayat and also to the first respondent. The petitioner-panchayat will conduct a further hearing of the issue covered by Ext.P11 and take a decision. Till such decision is taken, as directed above, the interim order dated 23.3.2007 will continue.

Writ petition is disposed of as above.

Sd/-

(PIUS C. KURIAKOSE)
JUDGE

sk/

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P.S. To Judge

PIUS C. KURIAKOSE, J.

W.P.(C) No.10148 of 2007 G

JUDGMENT

3rd April, 2007.